

1904-041 Chancery Causes: J. G. McFarland vs. Theon McFarland
Lee Co.

Belcher, Owens, Waller, Bell

CA-Divorce
T-Vices

To the Hon. N. A. W. Sken, Judge of
the Circuit Court of Lee Co., Va.

Your orator, J. G. McFarland
humbly complaining shows unto
your honor that he is a citizen
of Jasper, Lee Co Va and has been
domiciled in said County and
State the last twelve months preceding
the institution of this suit; that in
the year ~~18~~ - he married one Thea -
and for a while lived happily
with her, but not long, as she became
quarrelsome and abusive to your
orator, borrowed a pistol and threatened
"to blow out your orator's brains",
threatened to poison your orator,
and destroy what property he had.
Your orator lived in a perpetual
fear and dread, and is yet.

Your orator further shows his
wife Thea has deserted him
and wilfully abandoned him,
Your orator further shows and
here charges, that his wife Thea
in addition to all the above charges
and misconduct, has committed
adultery within the last five years
at divers times by having sexual

intercourse with men not her husband. Your orator, and since they were married, without the connivance or procurement, wish or consent of Your orator. Your orator has not cohabited with his wife Thora since her acts of adultery came to his knowledge, nor since she wilfully deserted and abandoned him. Your orator lived true and is still living true to his marriage vows, and was at all times kind to his wife and provided for her as far as he was able, until he found she was not true to him, was committing adultery, and living such a notorious life. Your orator further charges that she is a dangerous woman and his life was in daily peril while she ~~staid~~ lived with him, and while she was making threats of pistol poison and butcher knives against Your orator she was there living her double adulterous life, as Your orator afterwards

learned.

Your ~~an~~ orator lost cohabited
with his wife Thean in Lee
County, Virginia,
The premises considered, the
prayer of your orator is
therefore that Thean McFarland
be made a party defendant to
this bill, that she be required
to answer the same but
not oath; that is waives; and
upon a hearing, your honor will
grant your orator a divorce
dissolving the bonds of matrimony
now and heretofore existing
between your orator and his
wife Thean, and if mistaken
in any way as to his relief sought
your orator prays for all such
other, further, and general relief
as suits his case and as to equity
is meet and proper.
May Court. With Respc issue
and your orator will ever
pray.

J. D. Carter P. L.

^{Carters & Co}
J. G. McFarland
vs { Original Bill
in Chancery
Thos. McFarland
Filed July 19th 1904
J. H. Ewing
Clerk

1904 2nd July rules Bill
filed and contin-
ued for O. P.

1904 1st August rules
O. P. completed &
cause set for hear-
ing

\$4.75 paid by
J. G. McFarland for
copying this suit,
Dec 13th 1904
1900 to 10

J. G. McFarland
vs & Degree,

Therese McFarland

This cause came on today to be heard on the bill of the complainant, the deposition of witnesses and was argued by counsel,

And it appearing to the Court that the allegations of adultery and cruelty as charged in complainant's bill had been fully proved, it is therefore adjudged, ordered and decreed that the bonds of matrimony now and heretofore existing between

J. G. McFarland and Therese McFarland be and the same are hereby dissolved and declared null and void and this cause is stricken from the docket.

J. G. McFarland
vs { Deere
Heau McFarland

Encl. Chy. & B. No.
7 page 508

Enter this Deere
H & C. D. Deere

Sept. 19, 1904,

Circuit Court
Forsythe Co. Va.

The deposition of John Belcher
and others taken before me
J.W. Dinger a Justice of the peace
for the County of Hancock and the
State of Tennessee at the residence
of Josiah Nickels on the 19th & 20th
day of July 1904. (An order of publication
having been duly made in this cause
a copy of which is herewith filed,
which when taken is intended to be
read as evidence on behalf of
J.G. McFarland in a certain suit
now pending in the Circuit Court
of Lee County Virginia wherein J.G.
McFarland is complainant
and Thian McFarland is defendant.
John Belcher a witness of lawful
age being first duly sworn.

Deposes and says:

Inter. State your age, residence and
occupation?

Ans. The Justice being crippled and no
other person being present who
would or could write the answers
of witnesses, I hereby authorize
J.W. Dinger in my presence to
write answers of witnesses.

J.W. Dinger J.P.

Ans. about 38 years old; reside in Lee Co., Va. occupation farming.

Question. Are you acquainted with J. G. McFarland, and Thuan McFarland parties to this suit?

Ans. Yes, I know both parties ~~to~~ ~~action~~.

Question. Where does J. G. McFarland now reside, and where has he been living the last twelve months preceding the institution of this suit;

Ans. Please state if you know? I know he has been living in Lee County twelve months if no longer, before the 23 day of last May.

Question. Please state if you know of Thuan McFarland committing adultery within the last five years by having sexual intercourse with a man or men not her husband within the last five years - state all you know about it, that is the facts and ~~or~~ anything pointing in that direction?

Ans. I do not know it positively,

but I saw her sitting on
dr. Perkins' lap at the house
of Josiah Nickels in this County
within the last year. Dr
Perkins is a drinking man
and lewd character. She sat
there some time. They were
laughing and talking. Perkins
had then the appearance of a man
under the influence of liquor.
Question Was this by the connivance or
procurement with or connivance
of J. G. McFarland that his wife
Susan committed the above
~~acts~~ adulterous acts?

Ans. It was not.
And further this deponent
saith not.
John ^{his} Belcher
mark

Floyd Owens another witness
of lawful age being duly sworn
deposes and says;
Question When does J. G. McFarland now
reside and where has he been
dominical the last twelve
months preceding the institution of
this suit?

Ans. In Lee County, Virginia.
Question Please state if you ever heard
Isham McFarland make any
threats against J. G. McFarland
his husband; if so please
state what those threats were,
give them in detail.

Ans. I did hear her make threats
against him. She said
"Gee McFarland and his
children was going to run
her away from me;
she was going to have her
revenge; when she had to do
they would not know anything,
making the impression on
my mind from her
appearance and the way
she spoke it at the time
of talking, that she was going
to kill them by poison or
some other way as she seemed
to be very mad and filled
with hate against Mr. McFarland.
She was raising fusses with his
children and quarreling at
McFarland all the time nearly.

about his children

Mr. McFarland was at all times good and kind to her and to her children and gave her no cause for being nervous to him or them. I regard her as a bad and dangerous woman. I was then working for Mr. McFarland and staying at his house. She was a woman of very bad temper and no man could live with her in peace. She got a Winchester rifle and said she would shoot his family, but ~~And further this deponent~~ ~~says that~~ when she got ~~got~~ to the door she found there was no loads in the gun. And further this deponent says not.

Floyd ^{his} Owens
mark

(2)

question

Did J. G. McFarland give them
McFarland his ^{love come} wife to leave him

ans

No: he was always kind to her
and her children and tried to
get her to quit her quarling and
fussing and live with him in
peace.

further more this deponent says
not

John ^{his} ~~X~~ Wallen
_{mark}

(1)

John Wallon: a Witness of lawful age. being first duly sworn. deposes and says:

question

What is your age? and where have you been living the last Twelve months.

ans

my age is 49 years. I have been living in Lee County Va the last twelve months most of the time at J. G. McFarlands. Was you living at

question

J. G. McFarlands. When him and his wife Theon McFarland last separated if so state the cause of their separation

ans

I dont know the cause: but she left of her own free will. and said she would not stay there. and I moved her to Dunn

question

what is the disposition and temper of Theon McFarland and do you believe a man could live with her in peace

ans

she is a woman of a very ill and disagreeable disposition. and frequently raising furies with J. G. McFarland and his children. and I do not believe any man could live with her in peace

~~John Wallon a witness of lawful age~~

(1)

Mahala; Bell a waitress of
lawful age. being first duly
sworn. Deposes and says.

question What is your age? and Where
have you been living the last
twelve months?

ans my age is 20 years old and
have been living in Hancock
County, Tenn. the last twelve
months

question Please State if you are acquainted
with J. G. McFarland and Theron
McFarland the parties to this suit.
ans Yes:

question Please State if you know of
Theron McFarland committing adultery
within the last five years with any
man or men. Not her husband.
State all you know about it
that is the facts and anything
pointing in that direction?

ans I do not know it positively
but I was staying at Theron McFarland's
about April: 1904. and a man
came there. Who Theron McFarland
said was Herbert Roberts. who
sat and talked to Theron McFarland

(2)

secretly a while to them selves
and Theon McFarland and Herbert Roberts
goes into a room to them
selves: and shut the room door
after they had been in the room
about one half hour. I opened the
door and went into the room
where they was: when I entered
the room Theon McFarland and
Herbert Roberts was getting out of
a bed. at another time while I
was staying at Theon McFarland
Robt. Calaman and Theon McFarland
come to her house to gether.
and Calaman talked to another
woman and offered her some money
and she refused to take it: and
Theon McFarland said to Calaman
~~that~~ that they was other women would
take his money: and Theon McFarland
and Calaman then went up stairs
to gether. and stayed some
considerable time: and when
Theon McFarland returned from
up stairs she had in her hand
some money. I think it was about
one dollar and fifty cents: I have seen
her frequently buying and hiring men that
come to her house. and further more
this deponent says not

Mahala ^{her} Bell
_{mark}

Tennessee;

County of Hancock, to-wit;

I, J. W. Dingus, a Justice of
the peace for the County aforesaid
in the State of Tennessee, do
hereby certify that the foregoing
depositions of John Belcher and
Floyd Owen and ^{Martha Bell} John Waller

were duly taken sworn and
subscribed to before me in
my County and State aforesaid
at the time and place and for
the purpose mentioned in the
Caption.

Given under my hand
on this the 23. day of July 1904
James W. Dingus J. P.

J. P.

4 Depositions 400.

60. Clerk fees 50

Shi Alex Price 12.5

J. F. Mc Martin

This July 28/1904

James W. Dingus J. P.

The deposition of
others can

and

J. G. McFarland
vs { Depositions

Heard McFarland -

Filed Aug. 3, 1904,

H. T. Ewing, clk.

John R. Bland,
President.

Cash Capital \$1,695,200.

Geo. R. Callis,
Secretary-Treasurer.



A. T. BOWEN,
AGENT AND ATTORNEY.

The United States Fidelity and Guaranty Company

Baltimore, Md.

Rogersville, Tenn., Oct 15-1904

J. G. McFarland, Esq.-
Jasper, Va

Dear Sir:-

I am just in receipt of yours of 13th, and also your other letter which I answered. The decree is all right, but the decree alone is not sufficient. What you want is a transcript of the whole record (not including the depositions, or other proof, however) but what we call the record of the case, which is:-

- 1- ^{copy of} The bill, or declaration, as they call it there,
- 2- ^{copy} The process- but in this case it would be a copy of the order of publication, and the publication itself as it appeared in the newspaper.
- 3- Copy of every order made in the case, either at Rules, or in term time of Court.
- 4- Copy of the decree.
- 5- Clerk's certificate, with seal attached, that it is "a true and perfect transcript of the record of the case of J. G. McFarland vs. Phene McFarland, as"

J. G. McFarland
D. Linger
- Da

John R. Bland,
President.

Cash Capital \$1,695,200.

Geo. R. Cullis,
Secretary-Treasurer.



A. T. BOWEN,
AGENT AND ATTORNEY.

The United States Fidelity and Guaranty Company

Baltimore, Md.

#2

Rogersville, Tenn.,

the same appears of record in my (his)
office"

6- The certificate of Judge Skeen that
he is "the presiding judge" of that Court; that
Mr. ^{attestation} ~~Ewing~~ is Clerk, and that the Clerk's
Certificate is in due form."

7- The second certificate of the Clerk (with
seal attached) that Judge Skeen is the
presiding judge of that Court.

You see what we have to show is that there
was a valid decree in the Va Court.

Show this letter to the Clerk, or better to your
attorney, and they will know how to get it
up.

Meet me at Sneedville (Yours truly,
with it Saturday.

A. T. Bowen

State of Tennessee

Hemlock County

I John Lindsay clerk of the County
do hereby certify that
James W. Briggs is an Acting
Justice of the Peace for said
County, that - his was Commissioned
on Sept 1900 and that - his Commission
expires Sept 1st 1906 as same
appears on file in my office.
Witness my hand and Seal this
Aug 1 - 1904

John Lindsay clerk.

In the Clerk's Office of the Circuit Court of the County of
Lee, State of Va.

J. G. McFarland
against

Plaintiff

Thean McFarland

Defendant

In Chy.

This day J. G. McFarland personally appeared
before me M. E. Hawary Deputy Clerk of the said Court,
and being duly sworn, made oath that Thean McFarland

defendant in the said suit is not resident of the State of Virginia,

Given under my hand as Clerk of the said Court, this 23 day of May 1904.

A. C. Ewing Clerk
By M. E. Hawary D.C.

J. G. McFarland

vs.

}

AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Heau McFarland

J. D. Carter, p. q.

In the Clerk's Office of the Circuit Court of the County of
Lee on the 23rd day of May 1904.

J. G. McFarland Plaintiff
against

Heau McFarland Defendant.

The object of this suit is to obtain a divorce from
the bonds of matrimony

And an affidavit having been made and filed that the defendant Heau McFarland is
not resident of the State of Virginia, it is ordered that she do appear here within 15 days
after due publication hereof, and do what may be necessary to protect her interest in this suit. And
it is further ordered that a copy hereof be published once a week for four weeks in the Southwest
Virginian, and that a copy be posted at the front door of the court-house of this County,
on ~~the first day of the next term of the~~ or before the next rule day of said Court.

A copy—Teste:

J. D. Carter p. q.

S. H. T. Ewing Clerk.
By M. E. Haney, Secy.

vs.

{

ORDER OF
PUBLICATION.

Virginia, Lee County, to-wit:

I, H. C. Ewing, County Clerk
for Lee County, do certify that
I posted a true copy of
the within order of publica-
tion at the front door of
the Court-House ^{of said county}, on this the
31st day of May 1904.

Given under my hand
This the 31st day of May 1904.
H. C. Ewing, Clk.

Order Of Publication.

VIRGINIA—In the Clerk's Office of the
Circuit Court of the County of Lee on
the 23rd day of May 1904

J. G. McFarland, Plff. }
vs. } In Ch'cy.
Thean McFarlan Def't.

The object of this suit is to obtain a divorce from the bonds of Matrimony.

And an affidavit having been made and filed that the defendant Thean McFarland is not resident of Virginia, it is ordered that she do appear here within 15 days after due publication hereof, and do what may be necessary to protect her interest in this suit, And it is further ordered that a copy thereof be published once a week for four weeks in the Southwest Virginian, and that a copy be posted at the front door of the court-house of this County on or before the next Rule day of said court.

A copy 'T'es

H. C. T. EWING clerk,

J. D. Carter, p, q,

by M. E. Flanery, D. C.